
By: **Delegates Zirkin, Morhaim, and Finifter**
Introduced and read first time: January 18, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Destructive Devices - Penalty**

3 FOR the purpose of altering certain penalties for knowingly making a false statement
4 concerning a destructive device or the possible release of a toxic material; and
5 generally relating to transmitting false information concerning a destructive
6 device or toxic material.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 9-504
10 Annotated Code of Maryland
11 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
12 2002)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Law**

16 9-504.

17 (a) This section does not apply to a statement made or rumor circulated by an
18 officer, employee, or agent of a bona fide civilian defense organization or unit, if made
19 in the regular course of the person's duties.

20 (b) A person may not circulate or transmit to another, with intent that it be
21 acted on, a statement or rumor that the person knows to be false about the location or
22 possible detonation of a destructive device or the location or possible release of toxic
23 material, as those terms are defined in § 4-501 of this article.

24 (c) A person who violates this section is guilty of a felony and on conviction is
25 subject to imprisonment not exceeding [10] 20 years or a fine not exceeding
26 [\$10,000] \$20,000 or both.

27 (d) A crime under this section committed using a telephone or other electronic
28 means may be prosecuted:

1 (1) in the county in which the communication originated; or

2 (2) in the county in which the communication was received.

3 (e) (1) In addition to the penalty provided in subsection (c) of this section, a
4 court may order a person convicted or found to have committed a delinquent act
5 under this section to pay restitution to:

6 (i) the State, county, municipal corporation, bicounty unit, or
7 special taxing district for actual costs reasonably incurred due to the response to a
8 location and search for a destructive device caused by the false statement or rumor of
9 a destructive device; and

10 (ii) the owner or tenant of a property for the actual value of any
11 goods, services, or income lost as a result of the evacuation of the property in response
12 to the false statement or rumor of a destructive device.

13 (2) This subsection may not be construed to limit the right of a person to
14 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

15 (3) (i) If the person convicted or found to have committed a delinquent
16 act under this section is a minor, the court may order the minor, the minor's parent,
17 or both to pay the restitution described in paragraph (1) of this subsection.

18 (ii) Except as otherwise provided in this section, the provisions of
19 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
20 under this paragraph.

21 (f) In addition to any other penalty authorized by law, if the person convicted
22 or found to have committed a delinquent act under this section is a minor, the court
23 may order the Motor Vehicle Administration to initiate an action, under the motor
24 vehicle laws, to suspend the driving privilege of the minor for a specified period not to
25 exceed:

26 (1) for a first violation, 6 months; and

27 (2) for each subsequent violation, 1 year or until the person is 21 years
28 old, whichever is longer.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.